

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION FOUR

DREAM THEATER, INC., et al.,

Plaintiffs and Respondents,

v.

DREAM THEATER et al.,

Defendants and Appellants.

B174152

(Los Angeles County
Super. Ct. No. LC067280)

ORDER MODIFYING OPINION AND
DENYING REHEARING

[NO CHANGE IN THE JUDGMENT]

THE COURT:*

Appellant's petition for rehearing, having been reviewed, read, and duly considered, is denied. The petition for modification is granted.

It is ordered that the opinion in this matter filed on November 30, 2004, is modified as follows:

On page 3, the second sentence of the second full paragraph which reads "Sellers did not respond to the indemnification notice in accordance with the dispute resolution provisions of the Contract" is deleted.

There is no change in the judgment.

***EPSTEIN, P.J.**

CURRY, J.

GRIMES, J.**

** Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.